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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

NORTHERN BOTTLING CO., INC.,

Plaintiff,

vs.

PEPSICO, INC.,

Defendant.

Case No.: 4:150-cv-133

**PLAINTIFF'S
MOTION TO COMPEL
RESPONSES TO
WRITTEN DISCOVERY**

Plaintiff Northern Bottling Co., Inc., (hereafter, "Northern") by and through its counsel of record, hereby moves the Court to compel Defendant PepsiCo to respond in full to written discovery propounded by Northern.

The written discovery requests and responses at issue are attached to the memorandum in support of this motion, which is being filed concurrently herewith, as Exhibit 1. The specific objections and responses of Defendant PepsiCo, Inc. that are being challenged by Northern are those in response to Northern's Requests for Production Nos. 12, 13, 14, 17, 18, 19, 22, 23, 24, 26, 28, 29, and 30.

The undersigned hereby certifies that the parties have conferred for the purpose of making a reasonable, good faith effort to resolve their dispute without involving the court, as required by D.N.D. Civ. L.R. 37.1(A) and Fed. R. Civ. P. 37(a)(1). The conference was held via telephone on Friday, July 7, 2017. Present at the call was Jim Ragain and Michelle Sullivan on behalf of Plaintiff, and Thomas Quinn and Kevin Reidy on behalf of Defendant. In addition, the parties participated in a call with Magistrate Judge Miller on Monday, July 17, 2017. Efforts to resolve this discovery dispute have been unsuccessful to date.

DATED this 28th day of July, 2017.

RAGAIN & COOK, PC

/s/ James M. Ragain

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CERTIFICATE OF SERVICE

I certify that on the 28th day of July, 2017, a copy of the foregoing was filed electronically with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing to the Following:

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